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ON PETITION

In re Patent No. 6,159,166 :
Issue Date: December 12, 2000 :
Application No. 09/045,018 :
Filed: March 20, 1998 :
Patentee(s) Charles F. Chesney et al :

This is a decision on the petition under 37 CFR 1.378(c), filed January 7, 2005, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Patentee argues that the patent would not have become expired had the Revocation and Power of Attorney filed on December 29, 2003 entered since the notification was mailed to the wrong address.

Unfortunately, whether Patentee received the maintenance fee reminder from the USPTO is irrelevant. Under the current USPTO rules of practice, the agency is under no duty to notify patentee of maintenance fee requirements or when the maintenance fees are due.¹ It is solely the responsibility of a patent/assignee to ensure that the requisite maintenance fee is timely paid to prevent expiration of the patent. Furthermore, Patentee had actual notice of the maintenance fee requirements and due dates through the letters patent itself.²

The Revocation and Power of Attorney and Change of Correspondence Address filed January 7, 2005 is entered and made of record.

¹ MPEP Section 2950 (Rev. 2, May 2004).

² Ray v. Lehman, 55 F.3d 606, 34 U.S.P.Q.2d 1786 (Fed. Cir. 1995).

Petitioner should note that the mere filing of a power of attorney and/or a change of correspondence address will not affect the fee address. Therefore, if petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which **may** be mailed regarding maintenance fees for the above-identified patent, the "fee address" form should be submitted.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

The patent file is being forwarded to Files Repository.


Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney